

SECOND REGULAR SESSION

# HOUSE BILL NO. 2714

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BURNETT.

4428H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 66.010, RSMo, and to enact in lieu thereof one new section relating to judges.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 66.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 66.010, to read as follows:

66.010. 1. Any county framing and adopting a charter for its own government under the provisions of Section 18, Article VI of the Constitution of this state, may prosecute and punish violations of its county ordinances in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court. In addition, the county may prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's ordinances and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the city. Costs and procedures in any such county municipal court shall be governed by the provisions of law relating to municipal ordinance violations in municipal divisions of circuit courts.

2. In any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county executive of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by ordinance of the county.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           3. The number of divisions of such county municipal court and its term shall be  
18 established by ordinance of the county.

19           4. Except in any county with a charter form of government and with more than six  
20 hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the  
21 county shall provide for regular sessions of court in the evening hours after 6:00 p.m. and at  
22 locations outside the county seat. In any county with a charter form of government and with  
23 more than six hundred thousand but fewer than seven hundred thousand inhabitants, the  
24 ordinance of the county may provide for regular sessions of court in the evening hours after  
25 6:00 p.m. and at locations outside the county seat.

26           5. Judges of the county municipal court shall be licensed to practice law in this state  
27 and shall be residents of the county in which they serve. Municipal court judges shall not  
28 accept or handle cases in their practice of law which are inconsistent with their duties as a  
29 municipal court judge and **full-time judges** shall not be a judge or prosecutor for any other  
30 court.

31           6. In establishing the county municipal court, provisions shall be made for  
32 appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial  
33 dates by telephone or written communication without personal appearance, or to plead guilty  
34 and deliver by mail or electronic transfer or other approved method the specified amount of  
35 the fine and costs as otherwise provided by law, within a specified period of time.

36           7. In a county municipal court established pursuant to this section, the county may  
37 provide by ordinance for court costs not to exceed the sum which may be provided by  
38 municipalities for municipal violations before municipal courts. The county municipal judge  
39 may assess costs against a defendant who pleads guilty or is found guilty except in those  
40 cases where the defendant is found by the judge to be indigent and unable to pay the costs.  
41 The costs authorized in this subsection are in addition to service costs, witness fees and jail  
42 costs that may otherwise be authorized to be assessed, but are in lieu of other court or judge  
43 costs or fees. Such costs shall be collected by the authorized clerk and deposited into the  
44 county treasury.

45           8. Provisions shall be made for recording of proceedings, except that if such  
46 proceedings are not recorded, then, in that event, a person aggrieved by a judgment of a traffic  
47 judge or commissioner shall have the right of a trial de novo. The procedures for perfecting  
48 the right of a trial de novo shall be the same as that provided under sections 512.180 to  
49 512.320, except that the provisions of subsection 2 of section 512.180 shall not apply to such  
50 cases. In the event that such proceedings are recorded, all final decisions of the county  
51 municipal court shall be appealable on such record to the appellate court with appropriate  
52 jurisdiction.

53           9. Any person charged with the violation of a county ordinance in a county which has  
54 established a county municipal court under the provisions of this section shall, upon request,  
55 be entitled to a trial by jury before a county municipal court judge. Any jury trial shall be  
56 heard with a record being made.

57           10. In the event that a court is established pursuant to this section, the circuit judges  
58 of the judicial circuit with jurisdiction within that county may authorize the judges of the  
59 county municipal court to act as commissioners to hear in the first instance nonfelony  
60 violations of state law involving motor vehicles as provided by local rule.

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